

REMARKS / ARGUMENTS

The present application includes pending claims 1-36. Claims 1-30 have been rejected. By this Amendment, claims 1, 7, 13 and 21 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

The Applicant has added new claims 31-36. Support for the new claims may be found in, for example, paragraph 101 of the specification.

Claims 1-30 stand rejected under 35 U.S.C. § 102(e) as being anticipated by USP 6766956 ("Boylan"). The Applicant respectfully traverses these rejections at least based on the following remarks.

REJECTION UNDER 35 U.S.C. § 102

I. Boylan Does Not Anticipate Claims 1-30

The Applicant now turns to the rejection of claims 1-30 under 35 U.S.C. 102(e) as being anticipated by Boylan. With regard to the anticipation rejections under 102, MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining Procedure (MPEP) at 2131 (internal

citation omitted). Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See *id.* (internal citation omitted).

Without conceding that Boylan qualifies as prior art under 35 U.S.C. § 102(e), the Applicant traverses the rejection as follows.

A. Rejection of Independent Claims 1, 7, 13, and 21

With regard to the rejection of independent claim 1 under 102(e), the Applicant submits that Boylan does not disclose or suggest at least the limitation of "authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes," as recited by the Applicant in independent claim 1.

The Final Office Action states the following:

receiving one of said plurality of key sequences via manual input within the home (operations can be performed "while at home" and "within the home", as described in Col. 3 Line 56-Col. 4 Line 6; with further reference to the Steps 502-510 of Fig. 5, as described in Col. 10 Lines 7-27);

See the Final Office Action at pages 3-4. Boylan relates to a portable device with a bar-code scanner. More specifically, the portable device uses code scanning circuitry and software in order to obtain the code by scanning it. Even if we assume, *arguendo*, that Boylan's code is considered to be a key sequence, Boylan is still deficient since it does not disclose that there is any authorization performed prior to communicating the information that corresponds to the scanned code. In addition, Boylan also does not

disclose that the scanned code itself is used in such authorization of the information that corresponds to the scanned code, prior to its communication back to the user.

Therefore, the Applicant maintains that Boylan does not disclose or suggest at least the limitation of "authorizing communication of one of said plurality of media files corresponding to at least one of said associated plurality of key codes, to the home, said authorizing using said associated plurality of key codes," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Boylan and is allowable. Independent claims 7, 13, and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 7, 13, and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-6, 8-12, 14-20, and 22-30

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 7, 13, and 21 under 35 U.S.C. § 102(e) as being anticipated by Boylan has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-6, 8-12, 14-20, and 22-30 depend from independent claims 1, 7, 13, and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 2-6, 8-12, 14-20, and 22-30.

In general, the Final Office Action makes various statements regarding claims 1-30 and the cited reference that are now moot in light of the above. Thus, the Applicant will not address such statements at the present time. However, the Applicant expressly reserves the right to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in a rejection of any current or future claim).

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-36 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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